

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**

September 14, 1999 -- 1:00 p.m. -- Room 416 State Capitol

Members Present:

Sen. Lyle W. Hillyard, Senate Chair
Rep. Nora B. Stephens, House Chair
Sen. Gene Davis
Rep. Trisha Beck
Rep. Matt Throckmorton

Staff Present:

Mr. Mark D. Andrews,
Research Analyst
Mr. R. Chet Loftis
Associate General Counsel
Ms. Tracey Fredman
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of July 7, 1999 Minutes — Chair Stephens called the meeting to order at 1:10 p.m.

MOTION: Rep. Throckmorton moved that the minutes of the July 7, 1999 meeting and the minutes of the August 17, 1999 be approved. The motion passed unanimously.

2. Child Welfare Appropriations, FY 95 Through FY 00, Response by Agencies — Mr. Ken Patterson, Director, Division of Child and Family Services (DCFS), distributed and discussed data comparing Utah to other states along numerous child welfare measures. Mr. Patterson provided analysis of the data.

Mr. Patterson discussed the results of funding to the Children's Justice Centers, which has contributed to a workable model of integrated efforts between law enforcement and DCFS in investigating sexual abuse cases within the state. He also attributed the increase in number of youths in custody between 1993 and 1996, where the numbers appear to have leveled off up to and including the present time, to increased funding. He explained that system capacity expanded at all levels from DCFS to guardians ad litem throughout the state. He said the increase in funds has particularly impacted DCFS with respect to their staff. When all positions are full, Mr. Patterson explained, Utah is better than the national standard for cases per worker, children residing in foster care, and in-home services. He said these statistics put the department in a position to apply for accreditation of the child welfare program.

Ms. Carol Verdoia, Assistant Attorney General, Child Protection Division, offered a brief history of the Juvenile Court System prior to 1994. She said that the decisions regarding the removal of children were made with no specific statutory criteria. Ms. Verdoia explained that no significant evidence was required, no time limits were imposed for permanency decision making, and there were fewer attorneys to provide legal consultation for the division.

Mr. David Carlson, Attorney General's Office, talked about some of the changes brought about by the Child Welfare Reform Act, including a clarification of when the state could intervene

and remove children from a family, access for case workers to a legal representative prior to decision making, and greater procedural protection for parents. Ms. Verdoia indicated that these changes help to improve the system through more deliberate decision making, more frequent case reviews, resolution of abuse and neglect allegations earlier in the process, and permanent placements of children in custody.

Ms. Kristin Brewer, Office of Guardian ad Litem, referred to the *Report to Health and Human Services Interim Committee, 1999*.

Ms. Brewer offered a brief history, explaining that the Office of the Guardian ad Litem was created in 1994 as a companion piece of legislation to the Child Welfare Reform Act. Prior to that time guardians ad litem were private contract attorneys. She explained that the statutory changes provided for full-time guardian ad litem attorneys throughout the state. Ms. Brewer indicated that the Office of the Guardian ad Litem is a separate line item in the court's budget.

Mr. Richard Schwermer, Administrative Office of the Courts, explained that increased resources have gone to clerks, judges, and the permanency project. He said that the number of cases adjudicated and hearings held has increased. Mr. Schwermer highlighted the mediation program used for abuse, neglect, and dependency cases. He explained that the program is funded by federal grant money.

Ms. Patricia Worthington, Foster Care Citizen Review Board, distributed the *Foster Care Citizen Review Board Report to the Child Welfare Legislative Oversight Committee*. She said that the Foster Care Citizen Review Board was established as a pilot project in 1993 as a result of advocacy on the part child advocates in the state. She explained that the legislative authority, prior to the state law was in federal law for review. Ms. Worthington referenced the 1980 public law which states that all children in care must have a review of their case no less frequently than every six months, either by a court, an administrative process, or a citizen panel.

Ms. Worthington said that the program was paid for by matching state and federal funds between 22% and 24%. She stated that over the past six years, almost 50,000 volunteer hours have been given to the state to provide this service at a value of \$748,000. Ms. Worthington briefly discussed the development of a database which will eventually interface with the SAFE System, the Board's involvement to approve guidelines for foster care review, and a new training curriculum for volunteers.

3. Legislative Audit of Foster Care and Child Protective Service Cases, Proposed Legislation to Implement Recommendations — Not discussed.

4. Follow-up on Recommended Changes to Adoption Statute — Ms. Marty Shannon, The Children's Service Society of Utah, referred to suggested draft language previously distributed to the committee. She explained that the intent of the proposed language is to keep the intent of the law, which is to promote the knowledge that children in DCFS care are available for adoption, with an easier procedure for agencies to implement. Ms. Shannon referred to a *Children in State's Custody Information and Awareness* form, commenting that any parent applying for adoption would sign to indicate that they were aware of the law, and had been instructed as to where to look further for information.

The committee discussed the availability of Internet listings of children available for adoption to the public, and the proposed statutory changes at length. Rep. Stephens asked the staff to look into the matter and to prepare draft legislation for later review.

5. Update on The Performance Milestone Plan — Mr. Ken Patterson distributed a portion of the *Child Protection Report*, dated September 2, 1999, commenting that alternative strategies of cooperation are being looked at by legal advocates of child welfare.

Mr. Patterson reported that there have been no further filings or pleadings with respect to *The Performance Milestone Plan*.

Ms. Caren Frost, Division of Child and Family Services talked briefly about the finalization of interviews with training groups for the practice model. She said that the second bi-monthly report has been submitted to Mr. Paul Vincent. Ms. Frost also said that the quality improvement committees are active on the regional and statewide levels.

6. Review of Child Welfare Measures — Mr. Mark Andrews distributed charts showing the number of children in the custody of DCFS. He reported that the number of children in custody has returned to levels comparable to those before the summer months. Mr. Andrews said that since 1997 there has been a steady decline in the number of children in the custody of the state which are available for adoption.

7. Other Business — Mr. Chet Loftis said that the panel has been contacted by several families asking for input to the committee on some of their recent experiences with DCFS. In response, the staff prepared a questionnaire for panel members. When these have been returned, staff will compile and summarize the responses for panel review and planning for future testimony and discussion.

8. Interim Planning — The next meeting will be Tuesday, October 12, 1999 at 1:00 p.m.

9. Adjourn — The meeting was adjourned at 4:00 p.m.

